

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0900-0460

Case Title:

Hunters Point Shipyard

Subject of Report:

November 9, 2016 Interview of Melanie Kito

Reporting Office:

San Francisco, CA, Area Office

Activity Date:

November 9, 2016

Reporting Official and Date:

██████████
Special Agent

14-DEC-2016, Signed by: ██████████

Approving Official and Date:

██████████
Acting Director
19-DEC-2016, Approved by: ██████████
Assistant Director for Investigations

SYNOPSIS

November 9, 2016 Interview of Melanie Kito

DETAILS

On November 9, 2016, Special Agents (SA) ██████████ (EPACID), ██████████ (DODOIG), Jay Bigoness (NRCOIG), and ██████████ (NCIS) interviewed Melanie Kito along with Assistant United States Attorney (AUSA) Phil Kearney, and Regional Criminal Enforcement Counsel (RCEC) Katherine Shine. Also present was Mike Tencate (NAVFAC BRAC Legal). Kito was advised of the identity of the participants and of the nature and purpose of the interview, and Kito provided the following information:

Kito said that she has been a Lead Remedial Project Manager (RPM) for seven or eight years. She has been with the Navy since 1998 or 1999, beginning as an intern. In 2000 or 2001, she began working for Base Realignment and Closure (BRAC). Kito said that she began working on Hunters Point Naval Shipyard around 2002 or 2003, working as an RPM for two or three years. Around 2005 or 2006, Kito became Lead RPM, and she remained in this position through 2013. After that, she left BRAC to become a Remedial Technical Manager (RTM) with NAVFAC downtown. She did this for about six months to a year, and then was a Base Environmental Coordinator (BEC) before returning to her position as RTM. As an RTM, Kito oversees 33 bases.

Kito was asked to describe her responsibilities when she was Lead RPM for Hunters Point. She said that she oversaw the entire team, as well as schedule and budget. She supervised the RPMs working on the site in a sense, but she did not approve their timesheets. She managed the team. Kito said that there were six to eight RPMs working under her. Kito identified Chris Yantos as the main Radiological RPM. Yantos replaced Ralph Pierce. Most of the other RPMs were assigned to a particular parcel, but Yantos' job was basewide.

Kito said that she was also involved in the community aspects of the cleanup, including the monthly meetings with the Base Closure Team (BCT).

Kito was asked if she got daily updates from Tetra Tech. She said, "Not necessarily." Kito said that she would only be called if someone had an issue. Kito said that, for approximately three years, there was \$100 million in contracts being spent at Hunters Point every year.

Kito was asked if she was involved in the weekly QC Meeting. She said that she was not. Kito was asked if she interacted with RASO. She said that she did, but that the majority of the interaction would be between Yantos and RASO.

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Kito was asked about her role in approving invoices. Kito said that Navy contractor employees could look at the invoices in WAWF, but could not approve them. Kito said that she would “blindly approve” an invoice once her RPM had approved it. She said that, occasionally, she might look at an invoice, “if something looked funky.”

Kito was asked what happened to the invoice after she approved it. She said that it went to a financial person.

Kito said that because of the volume of radiological analysis that needed to be done at Hunters Point, an on-site radiological lab operated by Tetra Tech was established. This lab later became the C&T lab. C&T was a subcontractor to Tetra Tech.

Kito said that she heard of the anomalous soil samples from Laurie Lowman of RASO. After she heard about this from Lowman, she asked Yantos for his opinion. Yantos said that he agreed with Lowman that some of the data looked “funky.”

Kito said that as the radiological analysis workload decreased, lots of Tetra Tech people were let go and there were unhappy people who filed lawsuits.

Kito said that the Hunters Point site is not a homogenous area. She said that the soil lithology can be different because there were mixed sources of soil there. Up until the issue with the anomalous soil samples, Kito had considered Tetra Tech to be a superior contractor. Kito noted that Lowman’s son was employed by Tetra Tech. Kito said that she wanted to make sure that the anomalous soil samples issue was not just the result of “a personality conflict.” Kito said that when she saw the data, though, she agreed with RASO.

Kito said that she asked Lowman what the problem was and Lowman said that it looked like Tetra Tech had used clean soil from another source for their samples. Kito said that she asked Lowman if she was sure. Kito said that RASO dug deeper into the data and that the data did look odd. Lowman retired shortly after that.

Kito said that for the Final Status Survey, 18 samples must be collected and they must all be clean. Thus, if Tetra Tech had one hot sample, Lowman would insist that Tetra Tech collect an additional 18 samples after remediating the area around the hot sample. Kito said that, statistically, in other circumstances, you might be able to show that an area is clean, even with one sample that is elevated. Kito said that, the protocol Lowman insisted Tetra Tech follow is the protocol in the contract.

Kito said that, originally, she thought Tetra Tech might have just collected its samples in a “slightly different area.” Kito said that she talked to [REDACTED] of Tetra Tech and asked what was going on. [REDACTED] told Kito that they had some subcontractors that they should have managed better. [REDACTED] said that Tetra Tech should have caught the problem, but that there was so much data, they didn’t catch it. [REDACTED] told Kito that someone who had been fired had said that they would go public with the allegations, and then also went to RASO.

Kito was asked who let Tetra Tech self-investigate the matter. Kito said that if a contractor is doing a poor job, they can try to fix the problem and do a report about it. Kito said that maybe RASO let Tetra Tech self-investigate so that Tetra Tech could identify the root cause of the problem.

Kito was asked if RASO requested documents from BRAC for the investigation. Kito said that she does

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not know. Kito was asked if BRAC ever denied RASO any documents. Kito said they had not. Kito said that RASO had all the radiological-related documents. Kito was asked if RASO has the field logbooks and she said that she does not know.

Kito was asked who monitors the quality assurance/quality control that Tetra Tech is doing on its data. She said that Tetra Tech usually sends 10% of its samples to an off-site lab for confirmatory analysis. She identified that lab as TestAmerica.

Kito was asked if there was any monitoring of the sample collection at Hunters Point. She said that the California Department of Public Health might come out to observe sampling techniques.

Kito said that the Tetra Tech investigation report said that the same group of subcontractors was involved in the collection of the anomalous samples. Tetra Tech re-sampled and re-excavated as needed.

Kito was asked who [REDACTED] is. She said that [REDACTED] replaced [REDACTED]. Kito said that she did not work with [REDACTED] for very long.

Kito said that when she left, the North Pier was still being worked on. Kito said that Parcel E was a more contaminated parcel.

Kito was asked if she ever dealt with rank and file Tetra Tech employees. She said that she did not. She dealt with [REDACTED]. She was asked if she dealt with the crew supervisors and she said that she did not normally do that.

Kito was asked if, after Tetra Tech did its report, if there was discussion about double-checking Tetra Tech's work. Kito said that the Navy relied on Tetra Tech. Kito was asked who gave the Tetra Tech side of the story and she said that she does not know. She said that it probably would have been [REDACTED], but she is not certain that she sat down with [REDACTED] for a meeting on this issue.

Kito provided no additional information.